

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JERARD WALKER,
Plaintiff,

v.

MICHAEL CAPRA, et al.,
Defendants.
-----X

ORDER

22 CV 7638 (VB)

Copies Mailed/Faxed
Checked by Vincent L. Briccetti

5/2/23

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Plaintiff, who is proceeding pro se and in forma pauperis, brings claims under 42 U.S.C. § 1983 for violations of his constitutional rights.

On January 3, 2023, plaintiff filed the amended complaint. (Doc. #8).

On January 19, 2023, the Court entered an Order of Service ordering the U.S. Marshals Service to effectuate service on the defendants named in the amended complaint and extending plaintiff's time to serve under Rule 4(m) to 90 days after the date summonses were issued. (Doc. #10). The Clerk of Court issued summonses as to all defendants on January 19, 2023. (Doc. #11).

On April 18, 2023, the Marshals Service docketed Return of Service Executed forms as to eight of the twelve defendants. (Docs. ##15–22).

To date, there is no indication on the docket that defendants Annucci, Rodriguez, Grant-Hill, or Cheverez have been served, although the Court has been informed that the Marshals Service is in the process of effecting service. In addition, on May 1, 2023, the Office of the New York Attorney General entered a notice of appearance on behalf of ten defendants, including Annucci and Rodriguez. (Doc. #23).

Accordingly, it is HEREBY ORDERED:

1. Plaintiff's deadline pursuant to Fed. R. Civ. P. 4(m) to serve defendants Annucci, Rodriguez, Grant-Hill, and Cheverez is sua sponte extended to July 5, 2023.

2. If the U.S. Marshals Service has not served defendants by the Court-ordered deadline, plaintiff should request an extension of time for service. See Meilleur v. Strong, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service).

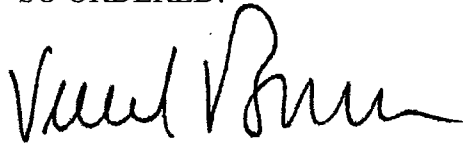
3. The Clerk is instructed to update plaintiff's name on the docket, to Jerard Walker.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: May 2, 2023
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge